



LEWIS JOHS
Lewis Johs Avallone Aviles, LLP

Counselors at Law

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DATE FILED: 8/15/08

BY FAX

August 15, 2008

Via Facsimile 212-805-7933

MEMO ENDORSED

Andrew J. Peck, United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
Room 1370
New York, New York 10007-1312

Re: **Richardson v. MTA, et al.**
07 Civ. 7198 (MHD) (AJP)
D/O/L: June 26, 2007
LJAA File No.: 133-1023

Dear Magistrate Judge Peck:

Your Chambers has contacted me regarding a settlement conference in the above mentioned matter. I have been handling this case since its inception in October, 2007 and have conducted all pertinent proceedings and have had numerous telephone conversations with plaintiff *pro se*, Richard Richardson.

Your Chambers has contacted me regarding a settlement conference and has scheduled the conference for August 21, 2008 at 11 a.m. in your Courtroom, 20D.

The Order requires that counsel attending the conference (myself) must have full settlement authority and my clients must be present as well.

After receiving the Order I contacted the Long Island Rail Road claims department and spoke to James Rice, the claim agent who is assigned to this case.

Mr. Rice is on vacation August 20, 21 and 22, returning to work on August 25.

I have notified your Chambers per the direction in the Order to notify you of any concerns as to the client representative.

1. The last note that I got from your law firm was very shortly, as I could have related this in the 1st intro, you ground by.
2. You say for me to participate with your law firm without a copy of the 1st intro. I am sorry, you will not need to bring a 1st intro. I am sorry, you can be 1st intro. I am sorry, you can be 1st intro.

SO ORDERED:

Andrew J. Peck
Hon. Andrew J. Peck
United States Magistrate Judge

Robert J. Avallone
Deborah A. Aviles
Michael T. Colavecchio
Thomas J. Dorgan
Robert W. Doyle, Jr.
Frederick C. Johs
Jason T. Katz
Michael G. Kruzynski
William J. Lewis
Eileen H. Libutti
Jeffrey M. Pincus
F. Sean Rooney
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Patrick Aulicia
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Jill A. Greenberg
Brian J. Greenwood
Christine B. Hickey
Tara M. Higgins
John E. Horn
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Theresa Scotto-Lavino
Erin M. Lawrence
Judith N. Litman
Daniel W. McCally
Michael Milchan
Robert Modica
Greg M. Mondelli
James F. Murphy
Joseph M. Nador
CindyAnn Ross
John B. Saville
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Stacey E. Steinberg
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Mark R. Aledort
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Brian Brown
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Elizabeth A. Fitzpatrick
Edward G. Lukoski
John F. Morrison
Ellen N. Savino
Milton Thurm

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Counsellors at Law

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During the numerous telephone conversations I have had with Richard Richardson, plaintiff *pro se*, the lowest settlement demand he has ever made is \$200,000. The co-defendant, City of New York, has settled for \$500 previously.

Given the above circumstances, I would request that the Court amend its usual procedures and allow me to appear in Court with the appropriate settlement authority by myself. While I understand the Court's reasoning for having a representative also in Court, I have been able over the last thirty years to resolve matters without such assistance.

I have been advised that should Mr. Richardson dramatically change his settlement position more in line with his position with the City of New York we may be able to resolve this matter.

I am therefore requesting that if the Court is steadfast in its decision to handle this conference next week that I alone be allowed to appear with authority and with the necessary telephone contact information with the LIRR should that be necessary.

Respectfully submitted,


Edward G. Lukoski

(EL-7845)

Riverhead Officeeglukoski@lewisjohs.com

EGL:ls

cc: Richard Richardson
1416 Brooklyn Avenue
Apt. 1A
Brooklyn, New York 11210

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: August 15, 2008

Total Number of Pages: 3

| TO | FAX NUMBER |
|-------------------------|--------------|
| Edward G. Lukoski, Esq. | 631-369-7680 |
| | |

TRANSCRIPTION:

MEMO ENDORSED 8/15/08

1. The Court notes that if you had gotten back to my secretary promptly, we could have scheduled this on the 19th; instead, you ignored her.
2. You may fax me ex parte with your max. settlement authority. If it is high enough, you will not need to bring a LIRR rep. Otherwise, you can bring LIRR's general counsel or similar executive.

Copies to: Richard Richardson (Mail)
Magistrate Judge Michael H. Dolinger